asked to pay Rs. 5 every month to the Sirkar, over and above the quarterly, half yearly, and annual payments. No doubt it may be a question of getting revenue.

MR. PUTHUPALLI S. KRISHNA PILLAI: Then, if it is a matter affecting revenues, this amendment becomes out of order. But on the merits, my submission is that no case has been made out for the non-payment of Rs. 5.

The amendment was put to vote and lost.

DEPUTY PRESIDENT: The question is that Table B do stand part of the I Schedule.

The motion was put to vote and carried.

The question that Schedules II, III and IV do stand part of the Bill was put and carried.

The motion that the Preamble do form part of the Bill was then put and carried.

The motion that the short title do stand part of the Bill was then put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir I move that under Section 1, for the figures 11, the figures 1114 be substituted.

MR. K. MADHAVA KURUP (*Ag. Registration Director and Registrar of Joint Stock Companies*): I second it.

The motion that clause 1 as amended do form part of the bill was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: I beg to move that the Bill be now paseed.

MR. K. MADHAVA KURUP: I second it.

The Bill was passed.

THE TRAVANCORE CRIMINAL LAW AMENDMENT BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to present the report of the Select Committee on the Travancore Criminal Law Amendment Bill and beg to move that the Bill as reported be taken up for consideration.

MR. K. MADHAVA KURUP. I second it.

The question that clause 1 do stand part of the Bill was then put and carried.

Clause 2.

MR. C. JEBAMONY NADAR: Sir, I move to omit clause 2.

MR. PUTHUPALLI S. KRISHNA PILLAI: On a point of order, Sir. Such a motion is out of order and there are many Rulings to support it.

DEPUTY PRESIDENT: I agree with the point of order raised by the Legal Remembrancer. Under Standing Order 25, sub-clause (2) an amendment which has merely the effect of a negative vote cannot be moved. Therefore, I rule it out of order.

[At this stage the President resumed the Chair.]

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MR. M. G. MATTHEW (*Karunagapalli* cum *Kartikapalli*): Sir, I move—

"In clause 2, leave out the words beginning from "in Section 117 of the Travancore Penal Code in line 1, to the words "Indian Prince" in line 6."

Before proceeding to the merits of the amendment itself, it shall be proper to read out the section itself and understand what the law of sedition itself is. The law is defined in Section 117 of the Travancore Penal Code corresponding to Section 124 A of the Indian Penal Code—Here, the gist of the offence consists in expressing words, either spoken or written, or by signs or by visible representations or otherwise to bring or attempt to bring into hatred or contempt or excite or attempt to excite disaffection. A reading of the Section makes it clear that the offence of sedition consists in expressing words either spo ken or written or making visible representations which have a tendency to create contempt or hatred or disaffection towards the Sovereign of this State or His Government, or His Majesty the King Emperor, or His Government in British India. The entities concerned in the matter are either the Sovereign of this Kingdom or His Government, or his Majesty the King Emperor or the Government established by law in British India. The law of sedition according to Travancore Penal Code consists in expressing words or making visible representations which have a tendency to bring about hatred or contempt etc. The object of this section in the Bill is to enhance the scope of sedition by including more entities. All the native States, about 600 and odd and their Governments the same number make about 1200 entities, and they are to be included in it. The existence of the clause with the amendment purports to bring into the category all the above Govern ments against whom contempt or attempt at disaffection is made. The amendment put forward by the Select Committee practically has included the case of all Indian States and the law of sedition could be made applicable to any person residing in Travancore trying to create disaffection towards the Princes of those States. In other words, this section in the Bill if allowed to stand will affect the liberty of a subject to a larger degree, than before. The first explanation to the Sections says that the expression "disaffection" includes disloyalty and all feelings of enmity. That is a very wide term. Explanation II is to the same effect. Comments expressing disapprobation of the measures of the Sovereign of this Kingdom with a view to obtain their alteration by lawful means without exciting disaffection do not constitute an offence under this Section. Again there is a third explanation which says that comments expressing disapprobation of the administrative or other actions of the Sovereign of this Kingdom do not constitute an offence under this section. The privilege given by the first Explanation is taken away by the second Explanation. That is practically saying that a speech or publication need not be seditious if it is not inherently so. A speech or a writing even if it is not seditious in itself will be considered to be seditious merely because it is a comment expressing disapprobation of the Sovereign. Explanation (iii) also bears

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the same aspect. Here it has to be considered that if a person is on trial for having committed offences of sedition, he has very little chance to defend himself. The section does not make it possible for him to defend himself. Even if the comments or writings are intended to improve certain measures adopted by the Sovereign it becomes seditious. The question to be considered is whether those comments or writings are really intended to create hatred or disaffection against the Sovereign. If such writing or comments bring about hatred or contempt against individuals the offence is called defamation and if it is against the Sovereign or the Government then it is called sedition. In this connection it should be noted that if a person has done a deed or made a statement in good faith for the public good or for certain other matters he cannot get over the trouble. He will have to depend upon the explanation in the Bill. The explanation is to the effect that all those statements which are not seditious are not seditiuos and nothing more. So the explanation carries us nothing more. If the Bill is allowed to be passed the effect will be that a person should be careful not only in his speech and writings which might be offensive against the Sovereign of this State and His Government, and His Majesty the King Emperor and His Government by law established in British India, but also affects the 600 and odd princes of India and their Governments. In a trial for sedition, a person very seldom gets the chance for escape for the two reasons. First of all as I have shown the explanations do not give him any freedom and any tangible defence. Secondly, in an offence connected with sedition, the prosecution is launched at the instance of and on the sanction of Government. If the Government affords sanction for prosecuting a person then it will be a sufficient reason for an ordinary court inside the State to practically see that that person is booked. If it is a court outside the State then things may be different. Though it may be said that the judiciary is independent of the executive, our experience is that we find that in almost all the jurisdictions the courts are not in a position to show their independence. So such a section as the present one has to be amended most carefully and we have to see whether the amendment affects the liberty of the subjects of the State even to the least extent or to the smallest degree. We have to consider whether the present amendment goes against the liberty of speech in the Legislature and public bodies. When the old Sri Mulam Popular Assembly was in existence there was a certain amount of freedom of speech. The law provided that a prosecution shall not lie for speeches made within the four walls of the house when the Popular Assembly was in session. Prosecution would not lie for anything which is defamatory, if it is made within the Assembly hall when it is in session without the sanction of the Government. The Sri Mulam Popular Assembly has been reformed and a bicameral legislature has been formed. Now there is absolute freedom of speech in the Assembly. No action lies for any statement made within the House. That is how freedom of speech was developing inside the Legislatures in Travancore. But on the contrary, freedom of speech is

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[Mr. M. G. Matthew.]

tried to be cut off as far as speeches and writings outside the Assembly are concerned. That is retrograde progress. We will be going back as far as freedom of speech is concerned by making this provision in the Criminal Law itself. It affects not only Travancore but all the States in India. In most of the Indian States attempts are going on at getting more progressive forms of Government. For example, State Congress bodies have been formed in Mysore, and attempts are being made in Hyderabad and several other Indian States. It should be considered in this respect that these different States are expected to join the Indian Federation that is sought to be introduced shortly. As is wellknown, Congress leaders in India and elsewhere, do not want the Native States to join the Federation unless they get some form of responsible Government; the reason being that in the Central Assembly and the Council of State a certain number of members are to be sent by the Indian States who join the Federation. I understand that Travancore will have to send five members for the Assembly and two for the Council of State. Similarly a number of other representatives will have to be sent from Mysore, Hyderabad and other Native States.

MR. N. RAMAKRISHNA PILLAI: Sir, I rise to a point of order. Are these facts relevant to the discussion?

PRESIDENT: Almost relevant.

MR. M. G. MATTHEW: It will be very well noted by my friend who has raised the point whether it is relevant...

PRESIDENT: I was saying that he is almost on the borders of relevancy. If the honourable member is getting beyond that stage I will interrupt him.

MR. M. G. MATTHEW: If certain form of responsible Government is to be had in these different States it may very often be necessary for the subjects of the States to agitate and express their opinion regarding certain measures and it may be calculated to create hatred or disaffection against the Sovereigns of those States. Suppose a person from Mysore or the Cochin State finding it difficult to carry on propaganda to better the conditions of his country and agitate for responsible Government, comes over here. In such a case according to the canons of International Law one State cannot interfere with the Government of another for extraditing the agitator. In most of the European countries there is a sort of freedom to agitate for responsible Government. If any person from outside comes here or one person from Travancore goes out of Travancore and for some reason or other the person wants to make a statement or a speech, criticising the Government this law will stand in his way. In such a case what will be the condition. That would be a state of affairs which will not be conducive to the general progress of the State and it will be unnecessarily hampering the liberties of the citizens, the subjects of the State. Therefore I move that the whole clause of this Bill be deleted and for that purpose the first words in sub-clause 2 of the Bill be deleted. With these words, I move my amendment for the acceptance of the House.

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MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. I submit that amendments Nos. 2, 3 and 4 have now been discussed and argued upon. If the first amendment was to be moved separately and this House were not to accept the other amendments then it would be meaningless.

PRESIDENT: Permission has been accorded for speeches to be made on all the amendments.

MR. PUTHUPALLI S. KRISHNA PILLAI: The objection appears to be to the principle contained in this Bill. When the Bill was read in this Assembly, the principle was fully discussed and the House accepted the principle contained in it. I do not want to speak more on the subject because it may, to a large extent repetition of what was then said. The reason for introducing this Bill has been for giving protection to friendly States whose good name and good Government may have to be protected by enforcement of certain provisions of the law against wanton and seditious attacks.

In the same manner in and to the extent to which we are able to protect their interests, they will take steps to protect our own interest. Such help will be mutual. It is nearly two years since the Cochin State enacted the Penal Code Amendment Regulation II of 1111. It says:— "In section 120 of the Penal Code, insert the words or any Indian Prince or the Government of such Princes, whose names may be declared by the Government from time to time in the Cochin Government Gazette."

So that our neighbouring State which is on friendly relations with this State has alredy enacted such a Regulation. Though it is some time since this Bill was introduced in this House and the principles were discussed thoroughly, we have not been able to get it enacted. Sir, I can assert that the Bill now brought forward is absolutely necessary in the interests of the State.

PRESIDENT: Order, order. The general principle regarding the second and third reading is as follows: At the time of the second reading of the Bill the principle of the Bill is discussed. When the House has accepted this clause so far as this measure in relation to other Indian Rulers are concerned, this may be said to be a one clause Bill. And at the time when it was read here and the principles were discussed that principle was accepted and thereupon on the acceptance of the principle it was referred to the Select Committee for the purpose of dealing with this principle. The Select Committee has reported its findings. And it has accepted the principle. So really it is not open to the honourable member to go back upon that principle just now. On that ground I ask the honourable member to confine himself to observations of a general nature.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, more than that I have nothing to say by way of reply. The principle of the Bill as has been observed by the Chair has been accepted. The matter has been fully discussed. I oppose the amendment.

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[Mr. Puthupalli S. Krishna Pillai.]

The three amendments were put to the vote of the House and declared lost.

The question whether clause 2 stands part of the Bill was put to the vote of the House and carried.

Clause 2 was added on to the Bill.

Clause 3.

The question whether Clause 3 stands part of the Bill was put to the vote of the House and carried.

Clause 3 was added on to the Bill.

Clause 4.

MR. C. JEBAMONY NADAR: Sir, I beg to move that in Clause 4 sub-clause (2), the word "not" in column 5 of the Schedule may be omitted.

Now, as the Bill stands the offence is a nonbailable one. But by accepting this amendment it becomes a bailable offence. At the present time even in the case of non-bailable offences so much leniency is shown so that the granting of bail is more or less a matter of course. The other allied Sections 294 to 297 of the Penal Code relating to the offences against religion, are bailable. Therefore I move this amendment so that this offence may also be a bailable one.

MR. M. G. MATTHEW: I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I oppose the amendment. This Section 294 A *i. e.*, the clause 3 now enacted stands on a different footing form all other sections relating to offences against religion. This section deals with a more serious offence that is offending the religious feeling of a community. The Section reads as follows:

> "Whoever, with the deliberate and malicious intention of outraging the religious feelings of any class of Our Subjects, insults, or attempts to insult, the religion or religious beliefs of that class," etc.

Sir, the wording of this section makes it clear that offences against religion or the religious feeling of a community deliberately and maliciously committed are alone dealt with. Where the person does such an act and the Magistrate on credible information issues a warrant for arrest, it should not be treated as a bailable offence like other light offences. In order that it may be understood that this is a serious offence this provision "non-bailable" is put in. It was argued that because other offences against religion are treated more leniently this offence also should be treated in the same manner. If you assault a person, it is treated as a bailable offence, if you hurt a person it is treated as a bailable offence, but the offence becomes grave if it is a grievous hurt 'and it is treated as non bailable.' Whoever deliberately and with malicious intention outrages the religious feelings of a community shall not be entitled to bail as of right. With these words I oppose the amendment.

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The Amendment was put to the vote of the House and lost.

MR. C. JEBAMONY NADAR. Sir, I beg to move that in Clause 4, sub-clause (3) the word "may" in column 1 of the schedule may be omitted and the words "shall not" substituted.

Under Sections 294 to 297 a person cannot be arrested for the offences stated therein without warrant. But by this Bill he could be arrested without warrant and yet the offence is a bailable one. In a case like this no useful purpose is served by arresting a person and keeping him in the lock-up or jail. Some police man may detain him in custody just to tease him. With these words, I move this amendment for the acceptance of the House.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, there is no innovation made in this Clause. It will be found that a new Section has been introduced into the schedule *i. e.* 294 A. As the sections 294 and 295 were treated on the same footing, in the columns relating to section 295 het words "do" "do" "do" were put in. When a new clause is wedged into the schedule, if the words "do" "do" are allowed to remain, it would refer to the provision relating to the new clause. Therefore when this Bill was drafted this amendment was found to be necessary. But we have not deviated from the existing provisions. On the contrary we have only made it more clear. Therefore, the amendment is not in order and I oppose it.

The amendment was put to the vote of the House and lost.

The question whether Clause 4 stands part of the Bill was put to the vote of the House and carried.

Clause 4 was added on to the Bill.

The question whether the preamble stands part of the Bill was then put to the vote of the House and carried. The preamble was added on to the Bill.

The question whether the title stands part of the Bill was put to the vote of the House and carried. The title was added on to the Bill.

ADJOURNMENT MOTION.

PRESIDENT: Order, Order. The House will now consider the adjournment motion that was fixed to be taken up to-day. The adjournment for which notice has been given by Mr. Kannara Gopala Panicker is as follows:

> "I intend asking for leave to make a motion for the adjournment of the business of the Assembly, for the purpose of discussing a definite matter of urgent public importance, namely, the lathi charge by the police on an innocent and peaceful assemblage of labourers at Alleppey on the 11th Meenom 1113 leading to the death of one of them and injuries to a large number."

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